



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,582	02/12/2001	John P. Rebhorn	5515USA	9717

7590

11/06/2002

DICKE, BILLIG & CZAJA
701 Building, Suite 1250
701 Fourth Avenue South
Minneapolis, MN 55415

EXAMINER

MADSEN, ROBERT A

ART UNIT

PAPER NUMBER

1761

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,582

Applicant(s)

REBHORN ET AL.

Examiner

Robert Madsen

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed July 24, 2002 has been entered. Claims 1,15,19, 22,26,35, and 38 have been amended, and claims 47-51 have been added. Claims 1-51 remain pending in the application.

Terminal Disclaimer

The terminal disclaimer filed on July 24, 2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application No. 09/781,583 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 16,47, and 48 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Davis (US 2826338). See Column 1, line 15 to Column 2, line 14, Column 2, lines 38-50, and Figures.

Claims 1,4-9,13, 16, and 48 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stegath (US 1363064). See Figures, Page 1, lines 56-101.

Art Unit: 1761

Claims 1-5,7-12,16-17,47,48 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaarsma (US 4277000).

Regarding claim 1, Jaarsma teaches a first compartment (i.e. item 32 of Figure 2) that tapers at an upper portion forming a passage along a spout internal surface (at item 36 of Figure 2). Jaarsma teaches a second compartment (i.e. item 30 of Figure 2) with tapering at a mouth (i.e. item 28 in Figure 2 or even item 58A in the embodiment of Figure 7). Jaarsma also teaches the spout and mouth are side-by-side and the exterior section of the spout has a different radius than the radius of the exterior section of the mouth (See Figure 4, Column 2, lines 35-68, Column 3, lines 12-45, Column 4, lines 41-52, Column 5, lines 5-10).

Regarding claim 2 and 3, the interior surfaces abut one another, as recited in claim 2, at a divider wall (item 20 in Figure 2), which can extend to either a side wall or to the bottom of the container would provide relatively planar interior surfaces as recited in claim 3 (Column 3, lines 12-15).

Regarding claims 4 and 5, the first compartment's neck tapers, as recited in claim 4, and is transversely offset from the exterior surface as recited in claim 5 (See bevel at 36 in Fig. 2 and see Figure 4).

Regarding claims 7 and 8, the second compartment's neck tapers, as recited in claim 7, and is transversely offset from the exterior surface (See bevel at 28 in Fig. 2 and See Figure 4).

Regarding claim 9, the mouth is centered relative the maximum diameter formed by the second compartment (See Figures 2 and 4).

Art Unit: 1761

Regarding claims 10-12, the mouth wraps about a portion of the spout as recited in claim 10, wherein the mouth is concave in the transverse cross section about the portion of the spout, as recited in claim 11, and the spout correspondingly has a convex cross-section as recited in claim 12 (See Figure 4 in view of Figure 2).

Regarding claims 16 and 17, a cap (item 14) is provided to encompass the mouth and spout (Column 3, lines 29-58 and Column 4, lines 38-40).

Regarding claim 47, the radius of the external section of the spout internal surface is less than the radius of exterior section of the mouth internal surface (See Figures 2 and 4).

Claims 1-12, 16,17,19,48 are rejected under 35 U.S.C. 102(b) as being anticipated by Ness (US 5588561)

Regarding claim 1-12, Ness '561 teaches first and second, side by side compartments (items 16,18, respectively of Figure 3), each with an interior and exterior surface, abutting interior surfaces as recited in claim 2, compartments that are relatively planar, as recited in claim 3, and have a tapered neck (i.e. the sloped portion of the container between an outer wall 12 to the threading of 24 in Figure 3) that leads to an arcuate convex spout for the first compartment (upper section of 16) and an arcuate concave mouth for the second compartment (upper section of 18), wherein both the mouth and spout have an internal surface (i.e. along threaded portion 24 and fitting portion 15 of wall 17 in Figure 3), a cross-sectional area less than the maximum cross-sectional area of the compartment (i.e. the opening of items 16 and 18 taper at thread

Art Unit: 1761

24 in Figure 3), and are both aligned with interior surfaces but offset with the exterior surfaces (See figure 3) as recited in claims 4-9, and the concave mouth abuts and wraps around the convex spout as recited in claims 1, 10-12 (Figure 3, Column 4, line 55 to Column 5, line 2).

Regarding claims 16, 17, and 48 Ness '561 alternatively teaches a cap that selectively encompasses seals the mouth and spout together (Feature 30 of Cap 10 of Figure 1 seals both), and the complete removal of the cap (i.e. lifting and removing the feature 30 from the mouth 27) is required to expose the opening.

Regarding claim 19, Ness '561 teaches two consumable products, each within a compartment, a first compartment (item 16 of Figure 3) with an upper tapering to form a spout (i.e. the sloped portion of the container between an outer wall 12 to the threading of 24 in Figure 3), and second compartment (item 18 of Figure 3) which may be formed separate of the first compartment (Column 5, lines 50-58) with a tapering upper portion to form a mouth (i.e. the sloped portion of the container between an outer wall 12 to the threading of 24 in Figure 3), wherein the compartments are side by side such that the mouth abuts the spout and the consumable products are contained separately (Figure 3, Column 4, line 55 to Column 5, line 2, Column 5, lines 50-67).

Claims 1-9, 16-18, 47, 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Ness (US 5753289).

Regarding claims 1-9 and 18, Ness '289 teaches side by side first milk compartment (i.e. item 18) and second cereal compartment (i.e. item 16), as recited in

Art Unit: 1761

claim 18, that are relatively planar, as recited in claim 3, with abutting interior surfaces, as recited in claim 2, and each has a tapered neck (i.e. the sloped portion of the container between an outer wall 12 to the threading of 24 in Figure 3) that leads to an arcuate spout for the first compartment (upper section of 18) that abuts an arcuate mouth for the second compartment (upper section of 16), wherein both the mouth and spout have an internal surface (i.e. along threaded portion 24 and fitting portion 15 of wall 17) , a cross-sectional area less than the maximum cross-sectional area of the compartment (i.e. the opening of items 16 and 18 taper at thread 24 in Figure 3), and are aligned with interior surfaces but offset with the exterior surfaces (See figure 3) as recited in claims 1,4-9 (Figure 3, Column 4, lines 8-39, 53-67).

Regarding claims 16,17, and 48 Ness '289 alternatively teaches a cap that selectively encompasses seals the mouth and spout together (Feature 30 of Cap 10 of Figure 1 seals both), and the complete removal of the cap (i.e. lifting and removing the feature 30 from the mouth 27) is required to expose the opening.

Regarding claim 47, the radius of the spout internal surface is less than the radius of the mouth (See Figure 3).

Claims 38-40,42, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Ness (US 5753289).

Regarding claims 38,40,42, and 46, Ness '289 teaches providing a first compartment (item 88 of Figure 6) tapering at an upper portion to form a spout, providing a second compartment (item 86 of Figure 6) that are configured for side by

Art Unit: 1761

side assembly wherein the mouth and spout form a pour region that is generally centered, as recited in claim 46 (See Figure 6). Ness '289 teaches covering the spout separate from covering the mouth (Column 5, lines 10-29). Ness '289 teaches dispensing the first compartment with milk and the second with cereal, as recited in claim 42, *followed by* assembling the compartments to one another, as recited in claim 40 (Column 5, lines 49-60), such that the mouth abuts the spout (See Figure 6), as recited in claim 38

Regarding claim 39, Ness '289 alternatively teaches an assembled container that is filled in summarizing the invention (Column 1, lines 55-65).

Claims 38,44,45,46 are rejected under 35 U.S.C. 102(b) as being anticipated by Simmons (US 4148417) as evident by Binter (US 5735422).

Regarding claim 38, Simmons teaches providing a first and second compartment, assembled side-by side, each tapering at an upper portion to respectively form a spout and mouth, which abut each other, and covering the mouth and covering the spout. Simmons further teaches discharging the consumables from the compartments. (See Figure 2, Column 2, line 45 to Column 3, 39, Column 1, lines 1-19). Simmons teaches covering the mouth and spout can be done together or separately (see Figures). Simmons inherently teaches filling dispensing a first consumable *into* a first compartment and second consumable *into* a second compartment since Simmons teaches dispensing a first consumable *out of* a first compartment and second consumable *out of* a second compartment . Without dispensing consumables into the

compartments Simmons could not have dispensed the consumables from the compartments, as evident by Binter who also teaches molded plastic dispensing containers comprising two separate compartments, the first component is dispensed into the first compartment and the second component is dispensed into the second compartment (Column 1, lines 12-31, Column 3, lines 48-65)

Regarding claim 44, assembly includes a shrink label (Column 4, lines 14-24).

Regarding claim 45, Simmons teaches covering the second compartment includes selectively securing a cap over the mouth and spout since the cap (item 57 in figure 2) comprises covering for both mouth and spout.

Regarding claim 46, Simmons teaches the spout and mouth pour region substantially centered (Figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 5753289) as applied to claims 1-9, 16-18, 47,48 above further in view of Newarski (US5727679).

Ness is silent in teaching a membrane over the spout. However, Newarski who also teaches assembled two compartment containers holding milk and cereal, is relied on as evidence of the conventionality of a using a membrane barrier with the milk compartment (Column 3, lines 14-33). Therefore it would have been obvious to include a membrane on the spout since one would have been substituting one milk compartment package feature for another for the same purpose: provide assembled cereal and milk compartments.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 5753289) as applied to claims 1-9, 16-18, 47,48 above further in view of Simmons (US 4148417).

Regarding claim 14, Ness '289 teaches attaching two separate consumable products in side-by-side compartments , but is silent in teaching using a film wrap. However, Simmons, who also teaches separate consumable product compartments attached in a side-by-side manner (See Figure 2, Column 1, lines 1-31, Column 2, line 45 to Column 3, line 37), is relied on as evidence of using film wrap to attach the two compartments (Column 4, lines 3-13). Therefore, it would have been obvious to modify Ness '289 and use a film wrap to secure the compartments to one another since one would have been substituting one means for attaching compartments for another for the same purpose: two consumable product compartments in a side-to-side configuration.

Claims 19-28,32-34,49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 5753289) in view of Ward (US 2026449) and Smith (US 2170311).

Regarding claims 19-28,32,34, Ness '289 teaches a container comprising a first milk containing compartment and a second cereal containing compartment, as recited in claims 20,21, and 34, that are side-by-side (See Figure 6), wherein the first compartment (item 86 of Figure 6) has an opening, and includes spout as recited in claim 27, (at item 96 of Figure 6) with a cross-sectional area less than the maximum cross-sectional area of the first compartment, the second compartment (item 88) has an opening, and includes a mouth as recited in claim 28 and cap as recited in claim 32, (adjacent to item 96) with a cross-sectional area less than the maximum cross-sectional area of second, and the openings are substantially centered and form a circular pour region, as recited in claims 22 -24 (Figure 6, Column 5, lines 10-65). Although Ness '289 teaches the size ratio/ shape of the compartments depend on the particular type of food in the container, cleaning, insulation requirements and the intended users (Column 6, lines 21-44) and in other embodiments (e.g. figure 3) Ness '289 shows the smaller first milk compartment is concave and the larger second cereal compartment is convex, Ness '289 is silent in teaching that the larger cereal-containing second compartment is *concave* and wraps around the smaller milk-containing *convex* first compartment as recited in claim 22,25, and 26.

Ward, like Ness '289, also teaches a two compartment container (one convex, one concave) with consumable products that is intended for dispensing the products

simultaneously into a person's mouth and is relied on as evidence of the conventionality of forming the larger compartment in a concave shape that wraps around a convex smaller compartment.

Smith is relied on as evidence of the conventionality of a cereal/milk container having a larger concave cereal section wrapping around a smaller convex milk (or cream) section (Figures, Column 1, lines 1-22).

Therefore, to modify the structure of Ness '289 such that the larger cereal-containing second compartment is *concave* and wraps around the smaller milk-containing convex first compartment as recited in claim 19, 22, 25, and 26, would have been an obvious result effective variable of the shape and size ratio depend on the particular type of food in the container, cleanability desired, insulation requirements and the intended users since (1) Ness '289 teaches convex and concave compartment shapes and the shape and size ratio depend on the particular type of food in the container, cleanability desired, insulation requirements and (2) this was a well known compartment design for both a two compartment consumable product container, including milk and cereal containers. One would have been substituting one type of two-compartment consumable product container having a convex and concave compartment for another for the same purpose: dispensing simultaneously.

Regarding claim 33, Ness alternatively teaches a cap that selectively encompasses seals the mouth and spout together (Feature 30 of Cap 10 of Figure 1 seals both).

Regarding claim 49, Ness teaches the openings are integrally formed with a spout and a mouth (i.e. via item 14 of Figures 1 and 3) wherein the exit from the spout defines a circle and the mouth is a non-circle (see item 14 figure 3).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 5753289) in view of Ward (US 2026449) and Smith (US 2170311) as applied to claims 19-28,32-34, 49 above further in view of Stegath (US 1363064)

Regarding claim 29, Ness '289 teaches a spout for a smaller compartment and mouth for a larger compartment, but is silent in teaching the spout is at a height less than the mouth. However, Stegath who also teaches two compartment containers shows a variety of positions of the spout and mouth, but when the spout is attached to a smaller compartment Stegath teaches the spout is shorter than the mouth (See Figure 1). Therefore it would have been obvious to include a spout shorter than a mouth since one would have been substituting one spout design for another for the same purpose: a two compartment container with larger compartment having a mouth and a smaller compartment having a spout.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 5753289) in view of Ward (US 2026449) and Smith (US 2170311) as applied to claims 19-28,32-34, 49 above further in view of Simmons (US 4148417).

Regarding claim 30, Ness '289 teaches attaching two separate consumable products in side-by-side compartments , but is silent in teaching using a film wrap.

However, Simmons, who also teaches separate consumable product compartments attached in a side-by-side manner (See Figure 2, Column 1, lines 1-31, Column 2, line 45 to Column 3, line 37), is relied on as evidence of using film wrap to attach the two compartments (Column 4, lines 3-13). Therefore, it would have been obvious to modify Ness '289 and use a film wrap to secure the compartments to one another since one would have been substituting one means for attaching compartments for another for the same purpose: two consumable product compartments in a side-to-side configuration.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 5753289) in view of Ward (US 2026449) and Smith (US 2170311) as applied to claims 19-28,32-34,49 above further in view of Newarski (US5727679).

Ness is silent in teaching a membrane over the spout. However, Newarski who also teaches assembled two compartment containers holding milk and cereal, is relied on as evidence of the conventionality of a using a membrane barrier with the milk compartment (Column 3, lines 14-33). Therefore it would have been obvious to include a membrane on the spout since one would have been substituting one milk compartment package feature for another for the same purpose: provide assembled cereal and milk compartments.

Claims 35-37, 50,51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 5753289).

Regarding claims 35-37, 50,51, Ness '289 teaches a first milk containing compartment and a second cereal containing compartment, as recited in claims 36 and 37, that are side-by-side (See Figure 6), wherein the first compartment (item 86 of Figure 6) has an opening (at item 96 of Figure 6) with a cross-sectional area less than the maximum cross-sectional area of the first compartment, the second compartment (item 88) has an opening (adjacent to item 96) with a cross-sectional area less than the maximum cross-sectional area of second, at least one compartment opening is substantially centered, as recited in claim 35 (Figure 6, Column 5, lines 10-65). Ness '289 teaches the opening of the milk compartment has a smaller cross-sectional area than the opening of the cereal compartment (In the embodiment of Figure 6 and the Embodiment shown in Figure 2) and further teaches (in the Embodiment of Figure 2) that the milk opening should be *sufficiently small* to prevent milk flowing through via gravity and the cereal opening should be *sufficiently large* to allow for cereal to flow via gravity, such an oval shaped opening of 1.5 in for the cereal and a water bottle-type opening for the milk (Column 4, lines 18-25, Column 6, lines 13-21). However, Ness '289 is silent in teaching the cereal opening is at least 3 times greater in size per se, as recited in claim 35, or 4 or 5 times greater as recited in claims 50 and 51. Because Ness '289 teaches the milk opening should be *sufficiently small* to prevent milk flowing through via gravity and the cereal opening should be *sufficiently large* to allow for cereal to flow via gravity, to select a cereal opening at any particular size such as 3,4, or even 5 times greater in size than the liquid opening would have been an obvious result effective variable of the size of cereal and the size of cereal opening required to allow

cereal to flow via gravity . Large cereal forms such as flakes, granola clusters, cereals comprising dried cranberries and almonds, etc. would obviously require a larger opening to flow via gravity than a smaller granule-type cereal (e.g. Grape-Nuts ®).

Claims 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ness (US 5753289) as applied to claims 38-40,42, and 46 above, further in view of Newarski (US5727679).

Although Ness '289 teaches milk can be dispensed into one compartment and refrigerated until use and cereal can be supplied in the other compartment and stored on a shelf until use. Ness teaches dispensing is carried out by the consumer at home (Column 4, lines 53-67). Ness '289 is silent teaching aseptically sterilizing the milk before dispensing , as recited in claim 41 and dispensing in an aseptically sterilized environment as recited in claim 43

Newarski also teaches assembled two attached compartment containers holding milk and cereal, which may be stored separately or together. Newarski, however, teaches milk compartments are known to be either refrigerated, like Ness '289, or aseptically packaged so that the milk compartment can be stored with the cereal compartment (Column 1, lines 13-47). Thus, Newarski is relied on as evidence of the conventionality of aseptically sterilizing the milk, which would involve discharging in an aseptically sterilized environment as known in commercial preparation of aseptically packaged milk, so that liquid milk compartment can be conveniently stored along with the cereal compartment (Abstract, Column 1, line 50 to Column 2, line30, Column 3,

Art Unit: 1761

lines 1-33). Therefore, to include an aseptically sterilizing step would have been an obvious result effective variable of the type of storage desired since Newarski teaches that milk dispensed into a compartment for refrigeration must be stored separately from the cereal department whereas milk that is aseptically sterilized and filled in an aseptically sterilized environment allows one to store the milk and cereal together in a non-refrigerated environment. Furthermore, one would have been substituting one method of dispensing milk into a compartment for another for the same purpose: provide an assembled cereal and milk compartment set.

Response to Arguments

Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ritz (US 674989) teaches concave/convex opening configuration.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Art Unit: 1761


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Madsen whose telephone number is (703)305-0068. The examiner can normally be reached on 7:00AM-3:30PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703)308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0061.


MILTON I. CANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700


Robert Madsen
Examiner
Art Unit 1761
October 30, 2002